

REMARKS

Claims 1-37 are all of the pending claims, with claim 1 being the sole independent claim. By this Amendment, claims 1-3, 9, 10, 13-20, 23-28 and 30-37 are amended. No new matter is added.

I. Drawings:

Formal drawings are provided.

II. Claim Objections:

Claims 2, 19-22, 30, 31 and 36-38 are objected to due to informalities. Although, it appears from the Examiner's objections that the Examiner may not be viewing the correct claim set (see objections to claims 21, 22, 30 and 31 for example), the claims are amended to provide proper antecedent basis where necessary.

IV. Claim Rejections on Prior Art Grounds:

The Examiner rejects claims 1, 2, 3, 7-10, 21-26 and 35-37 under 35 USC § 103(a) as being unpatentable over US 4,678,439 to Schliehthorst ("Schliehthorst") in view of WO 02/057132 (Rzadki); claims 4, 5, 11 and 12 are rejected under 35 USC § 103(a) as being unpatentable over Schliehthorst and WO 132 and further in view of US 2005/0009418 to Ries et al. ("Ries"); and claim 6 under 35 USC § 103(a) as being unpatentable over Schliehthorst and WO 132 and further in view of US 3,943,876 Kiekhaefer ("Kiekhaefer"). Applicants respectfully traverse all of these rejections.

The Schliehthorst and Rzadki References

Neither Schliehthorst nor Rzadki, whether considered alone or in combination disclose or suggest each and every feature recited in the rejected claims. For example, the combination of references fails to disclose or suggest, standard equipment sections including a power generator segment, a power distribution segment, a propulsion segment and an automation segment, at least one of the standard segments being formed from standard units and components ... wherein the standard equipment segments are distributable over various portions of the vessel hall.

It is alleged in the Office Action that Schliehthorst discloses a vessel type equipment system having standard equipment segments 13 formed from standard units and components. It is further alleged that the standard equipment segments 13 are installable in vessel halls in vessel type equipment systems.

Schliehthorst discloses a modular engine installation for driving a propeller of a ship (col. 1, lines 6-9). Specifically, as shown in Figs. 1-7 of Schliehthorst, a rectangular module 13 includes a box frame with several longitudinal floor beams running parallel to one another. The floor beams 31 are connected by cross beams 9 and vertical beams 10 on the four corners on the rectangular modules 13. The box like module 13 may be suspended from above on a force bearing member that is firmly attached to a deck of a ship (col. 1, lines 62-65; col. 6, lines 40-45).

By installing a motor in one of the box like modules 13, transmission of noise and vibrations to the hall are reduced.

Thus, Schliehthorst fails to relate in any way to the subject matter of the present application. It appears from the Examiner's interpretation of Schliehthorst that there is a misconception that the claimed standard equipment segments formed from standard units and components corresponds to the rectangular box 13 of Schliehthorst. However, the box like modules 13 of Schliehthorst do not correspond to the subject matter of this application as the module 13 do not include a power generator segment, a power distribution segment, a propulsion segment and an automation segment.

Further, as recited in the amended claims the standard equipment segments include a power generator segment and a power distribution segment a propulsion segment and an automation segment. At least one of the standard equipment segments are formed form standard units and components and are distributable across various portions of the vessel hall. In other words, the subject matter of this application does not relate to a box-like design. Rather, the subject matter of this application relates to functional modules that are not restricted to a box. Rather, the standard equipment segments may be installed across the entire ship.

In addition to the above described deficiencies of Schliehthorst, it is admitted in the Office Action that Schliehthorst does not disclose the additional features recited in the rejected dependent claims. However, there is no suggestion or motivation in Schliehthorst to make the combination as proposed in the Office Action. For example, Schliehthorst merely relates to traditional propulsion systems using a direct diesel propulsion system and a long propeller shaft. Schliehthorst attempts

to address problems of the known art including a reduction of transmission of vibrations to the vessel hall due to the engine systems. Thus, one of ordinary skill in the art would not be motivated to modify Schliehthorst with the teachings of Rzakki which merely discloses a fast military surface craft having an electric rudder propeller drive and hydro jets to enable the aircraft to travel at high speeds (see the Abstract of Rzakki).

Moreover, the foreign language reference of Rzakki only includes an English language abstract. When an abstract is used to support a rejection, the evidence relied upon is the facts maintained in the abstract, not additional facts contained in the underlying full text document. Citation of and reliance upon an abstract without citation and reliance upon the underlining scientific document is generally inappropriate. Further, if the document is in any language other than English and the Examiner seeks to rely on the document, a translation must be obtained so that the record is clear as to the precise facts the Examiner is relying upon in support of the rejection (see MPEP §706.02).

In the present instance, the Examiner has provided only an English language abstract of Rzakki and therefore reliance on any other part of the underlining document other than the English language abstract of Rzakki is improper. Accordingly, no motivation can be claimed from the Rzakki document to modify the Schliehthorst reference.

Even were such a modification made, one skilled in the art would not be able to arrive at the present invention by starting with the design of a propulsion system relating to Schliehthorst. A significant amount of experimentation would be required when attempting to modify the diesel engine and system with the anti-vibration prefabricated rectangular module 13. Moreover, even with the combination made and the experimentation conducted, the resulting combination would still not disclose or suggest that standard equipment segments, such as those recited in rejected claim 1, would be distributed across various portions of the vessel hall. Rather, Schliehthorst specifically describes confining a system such as a propulsion system in a single box.

Accordingly, withdrawal of the rejection is respectfully requested.

The Schliehthorst, Rzakki and Ries References

Claims 4, 5, 11 and 12 are rejected under 35 USC § 103(a) as being unpatentable over the combination of references. However, the rejected claims are allowable for their dependencies on

independent claim 1 for the reasons discussed above, as well as for the additional features recited therein.

Moreover, Ries may not be available as prior art to form the basis of rejection of the pending claims. For example, the publication of Ries of January 13, 2005 is not prior to the priority date of September 14, 2002 claimed in the present application. Similarly, Ries was not filed in the United States before the constructive date of invention by the Applicant (i.e., September 4, 2002).

The Schliehthorst, Rzadki and Kiekhaefer References

Claim 6 is rejected under 35 USC § 103 as being unpatentable over the combination of references. However, claim 6 is allowable for its dependency on independent claim 2 for the reasons discussed above, as well as for the additional features recited therein.

Moreover, as Kiekhaefer fails to disclose or suggest standard equipment sections including a power generator segment, a power distribution segment, a propulsion segment, and an automation segment, at least one of these segments being formed from standard units and components, wherein the standard equipment segments are distributable across various portions of the vessel hall, the combination of references fails to disclose or suggest each and every feature recited in the rejected claims.

V. Double Patenting:

When rejecting claims under the judicially created doctrine of obviousness type double-patenting the Examiner must properly define the subject matter of the claims at issue and the differences between those claims and the claims in the copending application. Applicants submit that this requirement has not been met in the outstanding Office Action. However, to expedite prosecution of the pending application, the attached terminal disclaimer in compliance with 37 CFR § 1.231(c)(e), filed concurrently herewith, renders the rejection moot. Accordingly, it is respectfully requested that the provisional rejection be withdrawn.

CONCLUSION

In view of the above, Applicant earnestly solicits reconsideration and allowance of all of the pending claims.


Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By: _____


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